

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

TRACY A. JENSON,

Plaintiff,

v.

FEDERAL AVIATION
ADMINISTRATION,

Defendant.

NO: 12-CV-0489-TOR

ORDER DISMISSING CASE WITH
PREJUDICE

BEFORE THE COURT is Plaintiff's request to file a *pro se* complaint *in forma pauperis*. Pursuant to 28 U.S.C. § 1915(e)(2)(B), notwithstanding any filing fee, or any portion thereof, that may have been paid, the court shall dismiss the case at any time if the court determines that the action or appeal (i) is frivolous or malicious or (ii) fails to state a claim upon which relief may be granted.

A complaint fails to state a claim upon which relief may be granted if it lacks a cognizable legal theory or lacks sufficient facts to support a cognizable legal theory. *Balistreri v. Pacifica Police Dept.*, 901 F.2d 696, 699 (9th Cir.1990).

1 Plaintiff's Complaint does not state a cognizable legal theory, i.e., short plain
2 statements showing the court's jurisdiction and the grounds for relief. *See Fed.*
3 Rule Civ. Pro. 8(a).

4 The Court recognizes that Plaintiff has been deemed a "vexatious litigant" in
5 the District of Idaho based on his numerous filings concerning these same
6 allegations. *See Jenson v. Melody*, 2011 WL 3679142 (2011) (unpublished)
7 (recounting long history of these allegations and listing case filings). This is his
8 fifth action filed in this District. Eastern District of Washington case numbers 09-
9 CV-0336-LRS, 10-CV-0069-RMP, 10-CV-0201-RMP, and 10-CV-0234-RMP.

10 **Plaintiff is advised that the filing of further frivolous actions will result**
11 **in the imposition of more serious sanctions than dismissal.**

12 **ACCORDINGLY, IT IS HEREBY ORDERED:**

13 Plaintiff's Complaint (ECF No. 4) is **DISMISSED** with prejudice.

14 The District Court Executive is hereby directed to enter this Order, furnish a
15 copy to Plaintiff, and **CLOSE** the file.

16 **DATED** this 28th day of November, 2012.

17 *s/ Thomas O. Rice*

18 THOMAS O. RICE
United States District Judge
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